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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,348	01/04/2005	Toru Ikuta	2224-0237PUS1	5464

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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07/29/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10520348	1/4/05	IKUTA, TORU	2224-0237PUS1

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**EXAMINER**

Geoffrey L. Knable

ART UNIT	PAPER
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1791

20080414

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See attached Notice of Non-Responsive Amendment.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

Notice of Non-Responsive Amendment

1. The amendment filed on January 30, 2008 amending all the claims such that there are no longer any claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because:

The original restriction/lack of unity requirement was between group I (originally claims 1-20), drawn to a rubber reinforced structure in the form of a tire and method for formation thereof that was characterized by the specific nature of the rubber and resin materials being bonded (invention "A"), and group II (claim 21) drawn to a process for producing a rubber reinforced structure in the form of a tire characterized by a specific bonding technique relating to solvent swelling (invention "B"), these two groupings not relating to a single general inventive concept for reasons noted in the original election requirement. Group I (invention "A") was elected but the elected (claim 16 as amended), and new (claim 26), claims are now in essence a combination of inventions "A" and "B" (as designated above). Lack of unity is however apparent "*a posteriori*" between the newly claimed invention ("AB") and the originally elected invention ("A"). In particular, the subject matter (i.e. "A") common to the newly claimed invention ("AB") and the originally elected invention ("A") is the subject matter of originally elected invention ("A") which, for the reasons set forth in the prior art rejections in the previous office action, is known and as such is not a technical feature that defines a contribution over the prior art - e.g. note MPEP 1850(II). The invention "A" and "AB" therefore do not

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relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

Further, since there are now no claims present directed to the elected invention "A", the amendment is non-responsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
April 14, 2008